

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Bernardo Gutierrez	Team: Team # 5	CCRB Case #: 201015747	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 11/11/2010 5:34 PM	Location of Incident: Audubon Avenue and West 182nd Street; En route to 34th Precinct; 34th Precinct	Precinct: 34	18 Mo. SOL 5/11/2012	EO SOL 5/11/2012	
Date/Time CV Reported Thu, 11/11/2010 8:10 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 11/16/2010 2:24 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Stephan Kroski	15842	947142	PBMN
2. POM Christopher Derco	14560	946917	PBMN
3. SGT Walter Beatty	01427	895211	PBMN
4. POM Christopher Moroni	24187	946607	PBMN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Christopher Reilly	17570	947387	PBMN

Officer(s)	Allegation	Investigator Recommendation
A.POM Stephan Kroski	Discourtesy: At Audubon Avenue and West 182nd Street in Manhattan, Officer Stephan Kroski spoke obscenely and/or rudely to § 87(2)(b)	
B.POM Stephan Kroski	Off. Language: At Audubon Avenue and West 182nd Street in Manhattan, Officer Stephan Kroski made remarks to § 87(2)(b) based upon his perceived sexual orientation.	
C.POM Stephan Kroski	Force: At Audubon Avenue and West 182nd Street in Manhattan, Officer Stephan Kroski used physical force against § 87(2)(b)	
D.POM Christopher Derco	Force: At Audubon Avenue and West 182nd Street in Manhattan, Officer Christopher Derco used physical force against § 87(2)(b)	
E.POM Christopher Moroni	Force: At Audubon Avenue and West 182nd Street in Manhattan, Officer Christopher Moroni used physical force against § 87(2)(b)	
F.POM Stephan Kroski	Abuse: At Audubon Avenue and West 182nd Street in Manhattan and the 34th Precinct stationhouse, Officer Stephan Kroski threatened to arrest § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
G.SGT Walter Beatty	Discourtesy: En route to the 34th Precinct stationhouse, Sergeant Walter Beatty spoke obscenely and/or rudely to § 87(2)(b)	
H.SGT Walter Beatty	Off. Language: En route to the 34th Precinct stationhouse, Sergeant Walter Beatty made remarks to § 87(2)(b) based upon his perceived sexual orientation.	
I.SGT Walter Beatty	Abuse: En route to the 34th Precinct stationhouse, Sergeant Walter Beatty threatened § 87(2)(b) with the use of force.	

Case Summary

§ 87(2)(b) filed a complaint with IAB by telephone on November 11, 2010, on behalf of her brother, § 87(2)(b) (encl. 11A-11B). On November 16, 2010, IAB forwarded the complaint to CCRB (encl. 12A-12B). On November 11, 2010, § 87(2)(b) and § 87(2)(b) interacted with PO Stephan Kroski, PO Christopher Derco, PO Christopher Moroni and Sgt. Walter Beatty at Audubon Avenue and West 182nd Street in Manhattan. The following allegations resulted:

- **Allegation A- Discourtesy:** At Audubon Avenue and West 182nd Street in Manhattan, Officer Stephan Kroski spoke obscenely and/or rudely to § 87(2)(b) § 87(2)(g)
§ 87(2)(b) § 87(2)(g)
- **Allegation B- Offensive Language:** At Audubon Avenue and West 182nd Street in Manhattan, Officer Stephan Kroski made remarks to § 87(2)(b) based upon his perceived sexual orientation. § 87(2)(g)
§ 87(2)(b) § 87(2)(g)
- **Allegation C- Force:** At Audubon Avenue and West 182nd Street in Manhattan, Officer Stephan Kroski used physical force against § 87(2)(b) § 87(2)(g)
§ 87(2)(b) § 87(2)(g)
- **Allegation D- Force:** At Audubon Avenue and West 182nd Street in Manhattan, Officer Christopher Derco used physical force against § 87(2)(b) § 87(2)(g)
§ 87(2)(b) § 87(2)(g)
- **Allegation E- Force:** At Audubon Avenue and West 182nd Street in Manhattan, Officer Christopher Moroni used physical force against § 87(2)(b) § 87(2)(g)
§ 87(2)(b) § 87(2)(g)
- **Allegation F- Abuse of Authority:** At Audubon Avenue and West 182nd Street in Manhattan and the 34th Precinct stationhouse, Officer Stephan Kroski threatened to arrest § 87(2)(b) § 87(2)(g)
§ 87(2)(b) § 87(2)(g)
- **Allegation G- Discourtesy:** En route to the 34th Precinct stationhouse, Sergeant Walter Beatty spoke obscenely and/or rudely to § 87(2)(b) § 87(2)(g)
§ 87(2)(b) § 87(2)(g)
- **Allegation H- Offensive Language:** En route to the 34th Precinct stationhouse, Sergeant Walter Beatty made remarks to § 87(2)(b) based upon his perceived sexual orientation. § 87(2)(g)
§ 87(2)(b) § 87(2)(g)
- **Allegation I- Abuse of Authority:** En route to the 34th Precinct stationhouse, Sergeant Walter Beatty threatened § 87(2)(b) with the use of force. § 87(2)(g)
§ 87(2)(b) § 87(2)(g)

Results of Investigation

Civilian Statements

Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-year-old Hispanic male, who is 6 feet tall, weighs 170 pounds and has brown hair and brown eyes. § 87(2)(b) § 87(2)(b)

CCRB Testimony

§ 87(2)(b) provided telephone statements on November 23, 2010, December 28 and December 29, 2010 (encl. 14). On December 23, 2010, § 87(2)(b) was interviewed at the CCRB (encl. 15A-5F). § 87(2)(b)'s testimony, which contained inconsistencies, is summarized below.

On November 11, 2010, at approximately 5:34 p.m., § 87(2)(b) was called on the telephone by a friend, who goes by the name § 87(2)(b). The investigation identified this individual as § 87(2)(b). § 87(2)(b) told § 87(2)(b) to go to West 182nd Street because the police were beating his brother, § 87(2)(b). § 87(2)(b) walked to the corner of West 182nd Street and Audubon Avenue and saw § 87(2)(b) in handcuffs, sitting against a pane of glass belonging to a clothing store with several officers standing around him. § 87(2)(b) informed one of the officers that § 87(2)(b) was his brother and that he suffered from mental problems. § 87(2)(b) described this officer as a white male with dirty blond hair cut low, approximately 5'8" tall, a stocky build in his late 20's. The investigation identified this officer as PO Stephan Kroski. PO Kroski told § 87(2)(b) that he would be arrested if he did not move from the area. PO Kroski asked § 87(2)(b) if he was going to move and when he did not, PO Kroski asked him to turn around and placed handcuffs on him. § 87(2)(b) observed PO Kroski stomp on § 87(2)(b)'s hat, which had fallen off. After several minutes, an officer described by § 87(2)(b) as a white male, approximately 5'5" tall, with a thin build in his early 40's arrived on the scene. The investigation identified this officer as Sgt. Walter Beatty. Sgt. Beatty told PO Kroski not to arrest § 87(2)(b) but to give him a summons. PO Kroski removed the handcuffs and took § 87(2)(b)'s ID. § 87(2)(b) was placed in a marked police van and all of the officers left the scene.

§ 87(2)(b) went to the 34th Precinct stationhouse immediately after the incident and saw PO Kroski there doing paperwork. In his telephone statement, he stated that he had been accompanied by § 87(2)(b) while in the sworn statement he claimed to have gone with § 87(2)(b). PO Kroski said that he would arrest him for trespassing if he did not leave the precinct stationhouse and refused to tell him what had happened with § 87(2)(b).

Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-year-old Hispanic male who is 6'1" tall, weighs 170 pounds and has black hair and brown eyes. § 87(2)(b) was incarcerated at the time of his interview. § 87(2)(b) § 87(2)(b) § 87(2)(b) at the time of the incident.

CCRB Testimony:

On January 10, 2011, § 87(2)(b) was interviewed at the § 87(2)(b) on Rikers Island (encl. 17A-17D). On November 11, 2010, at approximately 5:34 p.m., § 87(2)(b) noticed his friends, § 87(2)(b), § 87(2)(b) and § 87(2)(b) standing on West 182nd Street and St. Nicholas Avenue and decided to stop by to speak to them. The investigation identified § 87(2)(b) as § 87(2)(b) and § 87(2)(b) as § 87(2)(b). The group was standing next to two parked cars

and was listening to music. As § 87(2)(b) was greeting everyone, three uniformed officers crossed the street to where the men were standing. § 87(2)(b) described these three officers as white males with black hair and stocky builds, in their 20's. The investigation identified these officers as PO Kroski, PO Christopher Moroni and PO Christopher Derco. The officers began to ask to whom one of the parked cars belonged to and § 87(2)(b) stated that he did not know. PO Kroski told § 87(2)(b) "Give me the key, motherfucker" and called him a "faggot." § 87(2)(b) indicated that the vehicle belonged to § 87(2)(b). § 87(2)(b) stated that the vehicle was his and either PO Derco or PO Moroni pushed him, causing him to sit down. PO Kroski told § 87(2)(b) "Get out of here, piece of shit" and § 87(2)(b) started walking towards Audubon Avenue with PO Kroski following behind him. PO Moroni and PO Derco followed behind PO Kroski. As § 87(2)(b) approached the corner of West 182nd Street and Audubon Avenue, PO Kroski tackled § 87(2)(b) to the ground from behind and began to punch him on the right rib area. PO Moroni and PO Derco also began to punch him. PO Kroski kicked § 87(2)(b) in the right rib area approximately four times. The officers were saying "fuck you" and "fuck Dominicans" to § 87(2)(b). He was unable to see which officers made these statements. § 87(2)(b) had not been resisting arrest in any way. PO Kroski handcuffed § 87(2)(b) and he was sat down against the side of a clothing store.

§ 87(2)(b)'s brother, § 87(2)(b) arrived on the scene along with one of § 87(2)(b)'s friends. § 87(2)(b) identified himself to either PO Derco or PO Moroni as § 87(2)(b)'s brother and was told to leave. § 87(2)(b) replied that he would leave but first wished to know what was happening. § 87(2)(b) was handcuffed by PO Kroski and was sat down next to § 87(2)(b).

A marked police van arrived and § 87(2)(b) was placed inside to be transported to the 34th Precinct stationhouse. On the way to the stationhouse, an officer described as a white male with blonde hair and green eyes, wearing a white shirt, in his late 40's to early 50's, sat in the passenger seat. The investigation identified this officer as Sgt. Walter Beatty. Sgt. Beatty told § 87(2)(b) "You fucking playing games, asshole?" and called him a "faggot motherfucker." Sgt. Beatty asked § 87(2)(b) if he wanted him to punch him in the face while winding his arm as if preparing to punch him. Once at the stationhouse, § 87(2)(b) was placed in a holding cell. He was later taken to § 87(2)(b) and § 87(2)(b).

§ 87(2)(b) related that he had sustained bruises on both wrists, scratches on his abdomen and a bump on the left side of his head. His arrest photograph does not depict any injuries (encl. 18).

Complainant: § 87(2)(b)

- § 87(2)(b) is a Hispanic female.

Statement to IAB

On November 11, 2010, at 8:10 p.m., § 87(2)(b) spoke to Detective Korede of IAB (encl. 10). § 87(2)(b) related that her brother, § 87(2)(b) had been assaulted and arrested by officers. § 87(2)(b) stated that she did not see § 87(2)(b) being assaulted, but that this was related to her by an unknown/unspecified individual via telephone when she was at work. § 87(2)(b) related that her brother ran from officers.

Telephone Statement

§ 87(2)(b) filed this complaint with IAB on November 11, 2011 (encl. 11A-11B). On November 18, 2011, she provided a brief telephone statement (encl. 13). In contrast to her statement to IAB, § 87(2)(b) claimed to have witnessed part of the incident.

§ 87(2)(b) related that on November 11, 2010, at approximately 5:34 p.m., she was with her brother, § 87(2)(b) buying food at a store located on Audubon Avenue and West 182nd Street in Manhattan. § 87(2)(b) and § 87(2)(b) noticed activity across the street and saw two uniformed

officers punching someone on the ground. § 87(2)(b) described one officer as a bald white male with a heavyset build, in his late 20's and the other as a blonde white male with an average build, also in his late 20's. The investigation identified these officers as PO Kroski and PO Derco, respectively. § 87(2)(b) approached the two officers and saw that they were hitting his brother, § 87(2)(b). § 87(2)(b) told the officers that § 87(2)(b) suffered from a mental condition and asked what he had done. PO Kroski said, "bullshit" in response to § 87(2)(b) and told him to "shut (his) fucking mouth." PO Kroski pushed § 87(2)(b) against a wall, took him to the ground and handcuffed him. PO Kroski said, "fucking Dominican Republic" to § 87(2)(b) and PO Kroski punched him in the face and back. § 87(2)(b) was released at the location and was issued a summons § 87(2)(b).

§ 87(2)(b) went to the 34th Precinct stationhouse and saw PO Kroski there. § 87(2)(b) asked PO Kroski for his name, badge number and for the reason for § 87(2)(b)'s arrest. PO Kroski responded that he would not provide any information.

§ 87(2)(b) was called a total of five times and three letters were sent to her. § 87(2)(b) missed one scheduled appointment to provide a sworn statement and has not contacted CCRB since that date.

Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-year-old Hispanic male. § 87(2)(b) is § 87(2)(b) and § 87(2)(b)'s friend.

Telephone Statement

On December 10, 2010, § 87(2)(b) called CCRB and provided a telephone statement (encl. 16). § 87(2)(b) parked his vehicle on West 182nd Street in between St. Nicholas Avenue and Audubon Avenue in Manhattan. Approximately five of § 87(2)(b)'s friends were congregated by the vehicle. § 87(2)(b) gave one of these friends his vehicle's keys in case the vehicle needed to be moved. § 87(2)(b) walked to West 181 Street and Audubon Avenue to buy sneakers. When § 87(2)(b) returned a short time later, he observed an officer reach his hand through the partially opened window of his car's driver side window, lift the lock up and open the door. § 87(2)(b) described his officer as a slightly overweight white male, approximately 5'8" tall, in his late 20's. The investigation identified this officer as PO Kroski. § 87(2)(b) asked PO Kroski what he was doing. PO Kroski asked § 87(2)(b) if the vehicle belonged to him and § 87(2)(b) responded that it did. PO Kroski took § 87(2)(b)'s ID and asked for the vehicle's keys. § 87(2)(b) responded that he did not have the keys and that a friend of his had it.

PO Kroski pushed § 87(2)(b) with both arms using open palms on his lower back causing § 87(2)(b) to fall on a staircase. After § 87(2)(b) was pushed, one of § 87(2)(b)'s friends, § 87(2)(b) asked PO Kroski what was going on and PO Kroski told him to shut his mouth and leave the area. § 87(2)(b) began to run and collided with pedestrians, causing him to fall on the ground. All of the police officers present began to punch § 87(2)(b). § 87(2)(b) was handcuffed and was taken away in a police van after the officers called for one. PO Kroski issued § 87(2)(b) a summons § 87(2)(b).

§ 87(2)(b) missed two appointments to provide a sworn statement at CCRB and has not contacted CCRB since the date of his second missed appointment.

Witness: § 87(2)(b)

- § 87(2)(b) did not provide pedigree or employment information. § 87(2)(b) is § 87(2)(b) and § 87(2)(b)'s friend.

Telephone Statement

On March 16, 2011, § 87(2)(b) was contacted by telephone and he provided a telephone statement (encl. 19). He related that § 87(2)(b) had approached the group approximately three minutes after the officers. § 87(2)(b) began to run upon being asked for ID by PO Kroski. § 87(2)(b) did not mention any officer using profanity. § 87(2)(b) related that § 87(2)(b) had been resisting arrest but did not state how when asked to specify.

§ 87(2)(b) was scheduled to provide a sworn statement and missed the appointment without calling to cancel or reschedule. § 87(2)(b) was called an additional three times and on the third call, he indicated that he did would not be able to provide a sworn statement due to his work schedule.

Witness: § 87(2)(b)

- § 87(2)(b) did not provide pedigree or employment information. § 87(2)(b) is § 87(2)(b) and § 87(2)(b)'s friend.

Telephone Statement

On March 22, 2011, § 87(2)(b) was contacted by telephone and he provided a statement regarding the incident (encl. 20). § 87(2)(b) had provided § 87(2)(b)'s nickname as § 87(2)(b). § 87(2)(b) provided his actual name upon being contacted by telephone.

§ 87(2)(b) did not state whether or not the officers used profanity during the incident. § 87(2)(b) left the area after § 87(2)(b) was handcuffed.

§ 87(2)(b) stated that he recorded video footage of the incident on his cellular phone and was contacted by telephone six times in order to schedule for a sworn statement. To date, § 87(2)(b) who refused to provide his mailing address, has not contacted CCRB.

Attempts to Contact Civilians

- A business located near the incident, "Luggages and Children Wear," was called five times. No one answered the telephone and there was no prompt to leave a voicemail. A total of four letters, two in English and two in Spanish, were also sent. To date, no one from this business has contacted CCRB.

NYPD Statements:

Subject Officer: PO CHRISTOPHER DERCO

- PO Derco, a § 87(2)(b)-year-old white male, is 5'7" tall, weighs 185 pounds and has brown hair and green eyes.
- On November 11, 2010, PO Derco was assigned to Foot Post 34 in uniform from the hours of 4:00 p.m. to 12:35 a.m. PO Derco was not assigned a partner.

Memo Book

- At 5:12 p.m., approximately six males were stopped at West 182nd Street and St. Nicholas Avenue. One male fled on foot and was apprehended on West 182nd Street and Audubon Avenue. Another male was listed as being stopped on West 182nd Street and Audubon Avenue. PO Derco issued two summonses (encl. 21A-21B).

CCRB Testimony

PO Derco was interviewed at the CCRB on March 11, 2011 (encl. 22A-22C). On November 11, 2010, at approximately 5:34 p.m., PO Derco on the corner of West 182nd Street and St.

Nicholas Avenue in Manhattan. PO Kroski and PO Christopher Riley were present at the scene. PO Derco observed a group of people on the corner of West 182nd Street and Audubon Avenue blocking pedestrian traffic and making a large amount of noise. PO Derco approached the group along with the other officers to investigate. PO Derco observed several members of the group drinking from clearly labeled containers of alcohol and other open bottles in their vicinity. The officers took ID's from the people who were drinking in order to check them for warrants.

PO Derco never said or heard an officer say, "Give me the key, motherfucker," or "Get out of here, piece of shit" to a member of the group. One of the males intervened in the officers' stop of the individuals by approaching the officers in an aggressive way, yelling in Spanish and motioning for the males to go towards him. PO Derco was shown a photograph of § 87(2)(b) taken at CCRB and he confirmed him to have been this individual. PO Derco suddenly noticed PO Kroski chasing after § 87(2)(b). § 87(2)(b) ran from the corner of St. Nicholas Avenue and West 182nd Street to the corner of Audubon Avenue and West 182nd Street, where he was brought to the ground. PO Derco was the first officer behind PO Kroski to chase after § 87(2)(b) with PO Moroni running behind him. PO Derco was unable to see how § 87(2)(b) was brought to the ground. While § 87(2)(b) was on the ground, PO Derco grabbed one of his arms to help place it behind his back in order to handcuff him. § 87(2)(b) resisted by flailing his arms, placing his arms under him and kicking his legs. § 87(2)(b) was handcuffed approximately 20 to 30 seconds after being placed on the ground. PO Derco did not punch or kick § 87(2)(b) nor did he see any officers perform these actions.

After § 87(2)(b) was handcuffed, the officers sat him against a wall and called for a supervisor. § 87(2)(b) approached the officers and told them to get away from § 87(2)(b). PO Derco told § 87(2)(b) that he would be arrested if he did not leave the scene and issued him a summons, although he could not recall for what offense. PO Derco related that he would have been able to issue a summons § 87(2)(b). Sgt. Walter Beatty responded to the scene in a marked police van along with other officers. PO Derco could not recall if a lieutenant or captain responded. § 87(2)(b) was placed in the police van to be transported to the 34th Precinct stationhouse. PO Derco did not accompany § 87(2)(b) during the transport and he resumed his assigned tour which ended after midnight. Once § 87(2)(b) was transported, the remaining officers left the scene.

Subject Officer: PO STEPHAN KROSKI

- PO Kroski, a § 87(2)(b)-year-old white male, is 5'9" tall, weighs 225 pounds and has brown hair and brown eyes.
- On November 11, 2010, PO Kroski was assigned to Foot Post 22 in uniform from the hours of 4:00 p.m. to 12:35 a.m. PO Kroski was not assigned a partner.

Memo Book

- At 5:05 p.m., approximately five males were stopped outside 571 to 573 West 182nd Street. At 5:20 p.m. PO Kroski issued § 87(2)(b) a summons § 87(2)(b). § 87(2)(b) was told multiple times to leave the scene and he continued to yell and scream obscenities. PO Kroski approached § 87(2)(b) for his ID and he fled on foot. At 5:34 p.m., § 87(2)(b) was placed under arrest after being pursued. At 5:39 p.m., PO Kroski arrived at the 34th Precinct to begin arrest processing. At 6:15 p.m., PO Kroski was informed that a credit card found on § 87(2)(b)'s person was stolen. At 7:15 p.m. and again at 8:00 p.m., § 87(2)(b) refused to be fingerprinted. At 8:20 p.m., PO Penacchia and PO Simore transported § 87(2)(b) to § 87(2)(b) in police car 4417 (encl. 23A-23C).

Criminal Court Complaint Report

In the Criminal Court Complaint Report, PO Kroski states that on the incident date, he observed § 87(2)(b) yelling and screaming obscenities. § 87(2)(b) refused PO Kroski's order for him to leave the area. § 87(2)(b)'s conduct caused a crowd to gather, blocked pedestrian traffic, and caused bystanders to be alarmed (encl. 24).

Online Booking Sheet

PO Kroski prepared the Online Booking Sheet (encl. 25A-25C), which shows that § 87(2)(b) was arrested by PO Kroski § 87(2)(b). § 87(2)(b) refused to disperse numerous times after interfering with a police investigation. It is noted that force was used to restrain/control and remove.

CCRB Testimony

PO Kroski was interviewed at the CCRB on March 15, 2011 (encl. 27A-27D). PO Kroski was standing on West 182nd Street and St. Nicholas Avenue with PO Derco, PO Moroni and PO Riley. PO Kroski issued § 87(2)(b) a summons § 87(2)(b). As PO Kroski wrote the summons, § 87(2)(b) approached him from the direction of Audubon Avenue and began to curse at him. PO Kroski could not recall if he used any profanity against § 87(2)(b) including, telling him, "Give me the key, motherfucker" or "Get out of here, piece of shit." PO Kroski did not call § 87(2)(b) "faggot." PO Kroski did not hear any of the officers present make any of these statements.

§ 87(2)(b) ran eastbound on West 182nd Street. PO Kroski chased after him with PO Derco behind him and brought him to the ground on the corner of Audubon Avenue and West 182nd Street by grabbing his upper body with both hands and slamming him to the ground. § 87(2)(b) resisted arrest by moving his body. PO Kroski did not punch or kick § 87(2)(b) while affecting the arrest and he did not see whether the other officers punched or kicked him.

PO Kroski could not recall any individual he told he would be arrested if he did not leave the scene. Sgt. Walter Beatty arrived in a marked police van with several officers whose identities PO Kroski could not recall. No lieutenant or captain responded to the scene. § 87(2)(b) was transported to the stationhouse in the van. Sgt. Beatty sat in the passenger seat of the van, PO Kroski sat in the second row and § 87(2)(b) was seated in the third and last row. § 87(2)(b) attempted to move forward in the van in order to reach the doors and PO Kroski pulled him by his pants to prevent him from escaping. PO Kroski could not recall if any officer threatened to punch § 87(2)(b). PO Kroski could not recall any officer using profanity against § 87(2)(b). PO Kroski did not say "You fucking playing games, asshole?" or "faggot motherfucker" to § 87(2)(b) and did not hear any of the officers make these statements.

§ 87(2)(b) was taken into the stationhouse and placed in a holding cell. § 87(2)(b) refused to be fingerprinted and was disorderly in the holding cell. Family members of § 87(2)(b) began to arrive five to ten minutes after PO Kroski arrived at the stationhouse. PO Kroski did not tell any of the people that came to the stationhouse that they would be arrested, but a male whose demeanor was described by PO Kroski as "unruly" was told that he would have to leave the precinct when asked to. Two officers transported § 87(2)(b) to § 87(2)(b) for a psychological evaluation. § 87(2)(b) did not complain of physical injuries at any point.

Subject Officer: PO CHRISTOPHER MORONI

- PO Moroni, a § 87(2)(b)-year-old white male, is 5'10" tall, weighs 240 pounds and has black hair and brown eyes.

- *On November 11, 2011, PO Moroni was assigned to Foot Post 24 and 25 in uniform from the hours of 4:00 p.m. to 12:35 a.m. PO Moroni was not assigned a partner.*

Memo Book

- At 5:12 p.m., approximately five males and a female were stopped on the corner of East 182nd Street and St. Nicholas Avenue for § 87(2)(b). PO Moroni issued a summons to § 87(2)(b). PO Moroni did not relate the aforementioned memo book entry during his sworn statement, however it is clearly listed. At 5:39 p.m. PO Moroni arrived at the 34th Precinct stationhouse to assist PO Kroski in processing his arrest. (encl. 28A-28B).

CCRB Testimony

PO Moroni was interviewed at the CCRB on April 20, 2011 (encl. 29A-29C). As PO Moroni issued a summons to a female, he noticed PO Kroski run towards Audubon Avenue after § 87(2)(b). PO Moroni denied any officer present including himself tell § 87(2)(b) “Give me the key, motherfucker,” call him a “faggot,” or say, “Get out of here, piece of shit.”

Once § 87(2)(b) fell on the ground, he resisted arrest by kicking his legs. PO Moroni could not recall any commands being issued by the other officers but stated that he told § 87(2)(b) to stop resisting. PO Moroni did not punch or kick § 87(2)(b) or see any other officer perform these actions.

PO Moroni never overheard anyone be informed that they would be arrested if they refused to leave the scene. PO Moroni could not recall if a lieutenant or captain responded to the scene along with Sgt. Beatty. PO Moroni rode in the van back to the 34th Precinct stationhouse but had no specific recollection of the trip. When provided with details of the complaint, PO Moroni stated that the defendant attempting to escape from the van sounded “familiar” but could not recall specific details. PO Moroni did not hear Sgt. Beatty ask § 87(2)(b) “You fucking playing games, asshole?” or call him a “faggot motherfucker.” PO Moroni did not see Sgt. Beatty wind his arm up as if to punch § 87(2)(b).

PO Moroni could not recall any of § 87(2)(b)'s family members arriving at the stationhouse. He did not relate what actions he took once at the stationhouse. PO Moroni could not recall if any officer told a male family member he would be arrested if he did not leave the stationhouse. PO Moroni did not make remarks regarding the behavior or demeanor of any individuals that may have gone to the stationhouse looking for § 87(2)(b).

Subject Officer: Sgt. WALTER BEATTY

- *Sgt. Beatty, a § 87(2)(b)-year-old white male, is 5’10” tall, weighs 185 pounds and has brown hair and brown eyes.*
- *On November 11, 2011, Sgt. Beatty was assigned to impact supervisor duty in uniform from the hours of 3:45 p.m. to 12:42 a.m. Sgt. Beatty was accompanied by PO Michael Culotta and was assigned to marked police van 5794.*

Memo Book

- At 5:35 p.m., Sgt. Beatty responded to West 182nd Street and Audubon Avenue to verify an arrest made by PO Kroski. At 5:50 p.m., the prisoner was transported to the 34th Precinct. At 7:45 p.m., the prisoner was transported via EMS to § 87(2)(b) for refusing to provide his fingerprints. Two officers accompanied him. At 9:35 p.m., Sgt. Beatty received a call from IAB and was told that PO Kroski was the subject officer. Sgt. Beatty informed the IAB detective that there were no injuries on the prisoner and that fingerprint refusal was the only reason for transport to the hospital (encl. 32A-32C).

CCRB Testimony

Sgt. Beatty provided a statement at CCRB on May 5, 2011 (encl. 33A-33C). Sgt. Beatty responded to West 182nd Street and Audubon Avenue after being called by PO Kroski to verify an arrest. Upon arrival to the scene, § 87(2)(b) had already been placed in handcuffs. § 87(2)(b) was placed in the police van Sgt. Beatty had arrived in to be transported to the 34th Precinct stationhouse. § 87(2)(b) was seated in the fourth and last row with PO Kroski. Sgt. Beatty sat in the front passenger seat. No additional supervisors, including lieutenants or captains were present in the van when en route to the precinct.

Sgt. Beatty did not have any verbal interaction with § 87(2)(b) and did not use profanity towards him. Sgt. Beatty did not ask “You fucking playing games, asshole?” or call him a “faggot” or “motherfucker.” Sgt. Beatty did not hear other officers make any of these statements. Sgt. Beatty did not threaten § 87(2)(b) with physical force while inside the van and did not wind up his arm as if to punch him. Sgt. Beatty did not tell § 87(2)(b) that he would punch him and did not hear any other officer say this.

Sgt. Beatty could not recall if any family members or friends of § 87(2)(b) responded to the stationhouse. Sgt. Beatty did not hear any officer inform an individual that he would be arrested if the person did not leave the stationhouse. § 87(2)(b) did not wish to be fingerprinted and was therefore sent to § 87(2)(b) to be cleared before being taken to Manhattan Central Booking.

Witness Officer: PO CHRISTOPHER REILLY

- *PO Reilly, a § 87(2)(b)-year-old white male, is 5’6” tall, weighs 160 pounds and has brown hair and hazel eyes.*
- *On November 11, 2010, PO Reilly was assigned to a foot post in uniform from the hours of 4:00 p.m. to 12:35 a.m. PO Reilly was accompanied by PO Derco.*

Memo Book

- At 5:00 p.m., one male was stopped with an open container of alcohol on the corner of West 182nd Street and St. Nicholas Avenue. PO Reilly issued one summons to § 87(2)(b) (encl. 30A-30B).

CCRB Testimony

PO Reilly was interviewed at CCRB on April 25, 2011 (encl. 31A-31C). PO Reilly did not hear any officers use any profanity towards § 87(2)(b) including, “Give me the key motherfucker,” “Get out of here, piece of shit” or call him a “faggot.” PO Reilly did not make any of these statements.

PO Reilly did not participate in the arrest of § 87(2)(b) and did not observe the manner in which he was apprehended because he had been focused on other members of the group. PO Reilly did not punch or kick § 87(2)(b) while he was on the ground and did not see any officer perform this action.

PO Reilly had no specific recollection of anyone claiming to be a family member of § 87(2)(b) arriving at the scene and refusing to leave but stated that this account sounded familiar. PO Reilly could not recall if anyone was told they would be arrested if they refused to leave. PO Reilly did not ride in the van and he and PO Derco ended their tours on foot post duty.

Officers Not Interviewed

PO John Paul Pennacchia and PO Michael Samora were described by PO Kroski as having

transported § 87(2)(b) to § 87(2)(b), § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]

Medical Records

§ 87(2)(b) was escorted to § 87(2)(b) on § 87(2)(b), after he refused to cooperate with the arraignment process. § 87(2)(b) was diagnosed with adjustment disorder with mixed disturbance of emotions and conduct and was prescribed Seroquel, an antipsychotic medication (encl. 34A-34D). § 87(2)(b) indicated in his pre-arraignment screening form that he was not injured (encl. 34E-34F).

NYPD Documents

SPRINT and SPRINT Communications CD

At 5:23 p.m., an officer assigned to Patrol Post 22 made a crime arrest. At 5:34 p.m., this same officer verified that one suspect has been arrested. Patrol Post 22 requests an IRT supervisor to respond to West 182nd Street and Audubon Avenue. The officer specifies that the situation is not an emergency and that multiple officers are at the scene. The same officer confirms a sergeant has arrived on the scene (encl. 35 and 36).

Medical Treatment of Prisoner Form

The Medical Treatment of Prisoner form shows that at approximately § 87(2)(b) § 87(2)(b) was transported to § 87(2)(b) by PO Pennacchia after requesting medical aid. The nature of trip is related to psychological distress and his requiring medication for an unknown psychological illness. No mention is made of physical injuries or distress (encl. 37).

Summonses/Arrest for Incident and Disposition

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]

Status of Civil Proceedings

Neither § 87(2)(b), § 87(2)(b), § 87(2)(b) or § 87(2)(b) have filed a Notice of Claim with the City of New York as of June 22, 2011, with regard to the incident (encl. 42).

Civilian Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]

[illegible]

- Neither § 87(2)(b), § 87(2)(b) or § 87(2)(b) have been previously involved in CCRB cases. (encl. 7-9).

- Officers Stephan Kroski, Christopher Derco and Christopher Moroni have been members of the service for two years and there are no substantiated CCRB allegations against them (encl. 3-5).
- Sergeant Walter Beatty has been a member of the service for 21 years and there are no substantiated CCRB allegations against him (encl. 6).

Conclusion

§ 87(2)(b) related that the officer who used profane language against him was the first officer to chase after him and take him to the ground. The interviewed officers stated that PO Kroski was the first officer to chase after § 87(2)(b). § 87(2)(b) related that he was handcuffed and told he would be arrested by an officer whom he later saw at the 34th Precinct stationhouse. PO Kroski admitted to having interacted with, and informing a male that he needed to leave the stationhouse when asked to. § 87(2)(g) PO Derco and PO Moroni admitted to using physical force to restrain and arrest § 87(2)(b) § 87(2)(g)

§ 87(2)(b) alleged that an officer with a white shirt, blond hair and blue eyes used profane language against him and threatened him with force while en route to the stationhouse. § 87(2)(b) stated that this officer had been sitting in the front passenger seat of the van. According to the officers, no captains or lieutenants were at the scene. Although Sgt. Beatty has brown hair and brown eyes and was not wearing any form of white shirt on the incident date, Sgt. Beatty confirmed that he was in this seat during transport. § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Investigative Findings and Recommendations

Allegation A- Discourtesy: At Audubon Avenue and West 182nd Street in Manhattan, Officer Stephan Kroski spoke obscenely and/or rudely to § 87(2)(b)

Allegation B- Offensive Language: At Audubon Avenue and West 182nd Street in Manhattan, Officer Stephan Kroski made remarks to § 87(2)(b) based upon his perceived sexual orientation.

§ 87(2)(b) alleged that PO Kroski told him, “Give me the key motherfucker,” “Get out of here, piece of shit,” and called him a “faggot.” PO Kroski and the other officers denied making or hearing an officer say these statements. None of the witnesses mentioned any officer using foul language. § 87(2)(g)

Allegation C- Force: At Audubon Avenue and West 182nd Street in Manhattan, Officer Stephan Kroski used physical force against § 87(2)(b)

Allegation D- Force: At Audubon Avenue and West 182nd Street in Manhattan, Officer Christopher Derco used physical force against § 87(2)(b)

Allegation E- Force: At Audubon Avenue and West 182nd Street in Manhattan, Officer Christopher Moroni used physical force against § 87(2)(b)

§ 87(2)(b) alleged that he was tackled to the ground by PO Kroski, who proceeded to punch and kick him multiple times with PO Derco and PO Moroni also joining in punching him. § 87(2)(b), § 87(2)(b) and § 87(2)(b) stated that they saw multiple officers strike § 87(2)(b) after he fell on the ground.

NYPD Patrol Section 203-11 states that officers must use minimum force necessary to effect an arrest (encl. 1A-1B). All of the officers who made physical contact with § 87(2)(b) stated that he was physically resisting arrest by moving his arms and legs. § 87(2)(b) stated that § 87(2)(b) had been resisting arrest though he refused to specify how he was doing this. § 87(2)(b), § 87(2)(g)

Allegation F- Abuse of Authority: At Audubon Avenue and West 182nd Street in Manhattan and the 34th Precinct stationhouse, Officer Stephan Kroski threatened to arrest § 87(2)(b)

§ 87(2)(b) claimed that PO Kroski repeatedly asked him to move and told him that he would arrest him if he did not leave the scene upon arriving at Audubon Avenue and West 182nd Street. He also claimed that he spoke with PO Kroski at the 34th Precinct stationhouse and was told that he would arrest him for trespassing if he did not leave.

§ 87(2)(b), § 87(2)(g)

PO Derco related that an individual who identified himself as a relative of § 87(2)(b)s had told the officers to get away from § 87(2)(b) and refused to leave the scene upon being asked to do so.

PO Kroski did not specifically recall seeing § 87(2)(b) at the Precinct stationhouse but stated that he told a male whose behavior he described as unruly, that he would have to leave the precinct when asked to. He denied telling anyone that they would be arrested if they did not leave. § 87(2)(b) would have had to have left the stationhouse upon being asked to do so by PO Kroski and he could have been arrested upon refusing to obey the lawful order to leave. § 87(2)(b)

Allegation G- Discourtesy: En route to the 34th Precinct stationhouse, Sergeant Walter Beatty spoke obscenely and/or rudely to § 87(2)(b)

Allegation H- Offensive Language: En route to the 34th Precinct stationhouse, Sergeant Walter Beatty made remarks to § 87(2)(b) based upon his perceived sexual orientation.

Allegation I- Abuse of Authority: En route to the 34th Precinct stationhouse, Sergeant Walter Beatty threatened § 87(2)(b) with the use of force.

§ 87(2)(b) claimed that while in a van en route to the 34th Precinct stationhouse, Sgt. Beatty asked him, “You fucking playing games asshole?” and called him a “faggot motherfucker.” Sgt. Beatty also allegedly wound up his arm as if to punch § 87(2)(b) and asked him if he wanted to be punched. Sgt. Beatty denied these allegations. PO Kroski and PO Moroni, who were riding in the van at the time, denied seeing any officer perform these actions. § 87(2)(g)

Team: 5

Investigator: _____	Bernardo Gutierrez	8/1/11
Signature	Print	Date

Supervisor: _____	_____	_____
Title/Signature	Print	Date

Reviewer: _____	_____	_____
Title/Signature	Print	Date

Reviewer: _____	_____	_____
Title/Signature	Print	Date